

of these gay people are misbehaving." Yeah, living a life that you were trying to hide from others is not a prescription for model behavior. And you do dumb things in the closet sometimes. It's not an excuse. It's your fault when you do them. But it's in society's interest to diminish that pressure. And you can do that today. Thank you.

APPOINTMENT OF CONFEREES ON H.R. 4200, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—House of Representatives—September 28, 2004—Excerpt From Debate on Hate Crimes Legislation

Mr. FRANK of Massachusetts. This bill criminalizes actions that consist of violence against individuals. It allows the Attorney General to enter under certain limited circumstances, if it is a Federal crime of violence under the Federal U.S. Code. It allows certain other things if there is an act of bodily injury or an attempt to cause bodily injury. Nothing in here criminalizes speech. In fact, when people start talking about Sweden, it is a pretty good indication that they do not have anything to talk about with regard to the law that we are voting on in America. By the way, America, unlike Sweden, has a first amendment, and the Supreme Court would have banned that if anybody tried to.

Finally, to refute that argument, which is without any merit whatsoever; I mean, sometimes we get close questions here. That one has no merit. There is nothing remotely in this bill that threatens anybody's speech. But here is the proof of it, and it also is a sign of the gross inconsistency of those on the other side. We are not starting down any path today, except the path of their illogic. What we are doing is adding a category to existing Federal categories. There are already on the books laws that create hate crimes. It is not the case that every crime is treated equally.

By the way, there was one category of people, and violence against them is much more seriously treated than violence against anybody else. If you are so offended by that, where is your motion to amend the law and take away the statute that says it is a super Federal crime to assault one of us. If a Member of Congress and a private citizen are walking down the street and they are both assaulted, it is a much more serious crime against the Member of Congress. Where is your consistency? If you mean what you say, why have you not gone after that, or is it okay if you are protected, Madam Speaker?

And then we have race on the books, and we have religion. Has anybody ever found a case where they say, well, once you do this, someone's free speech will be impugned? Are you telling me there are no racists in America? Are you telling me that no one makes racially offensive remarks? People do. And none of them, none of them have ever been prosecuted for hate speech.

So, in fact, you deny the reality, Madam Speaker, when people say this, that there are already on the books certain categories that are treated as hate crimes. None of them have led to there being any impugning of people's free speech.

Then the question is, why do we want to do this? In the first place, no one is saying that if you were violently assaulted, you will not be protected by the law. Why do we add an additional element if it is a hate crime? And here is the reason: When people are going out and singling out people because of their race or their color; and, by the way, if people who are white are being assaulted by people of another race because of their race, that is a hate crime, and it ought to be treated as

such. I do not share the view that that is a bad thing. It is wrong for thugs to tyrannize people because of that, and it is worse than another crime for this reason.

If some individual is walking down the street and is randomly assaulted, he or she is traumatized. But if another individual is singled out because of her race or religion or sexual orientation or gender, then it is not simply the individual who has been assaulted but others who share that characteristic who are put in fear.

We do have a particular problem. The gentleman said, well, you are saying gender instead of sex. Yes, there are people who are transgendered in our society. They are sadly often victimized. They are often victims of violence. Yes, I think it is a good idea to come to their aid. And if the gentleman thinks it is a mistake to go to the aid of people who are transgendered who are more often than others victimized and who are put in fear for that, then we do disagree, and I welcome the chance to vote on it.

CHILDREN'S SAFETY ACT OF 2005—House of Representatives—September 14, 2005—Excerpt From Discussion of Hate Crimes Legislation

Mr. FRANK of Massachusetts. Mr. Chairman, I want to address some of the misconceptions that arise when we deal with this legislation. I and many of the strongest proponents of hate crimes legislation are also among the strongest proponents of free expression in this House, and I want to be very clear. A belief in free expression means the belief in the right of obnoxious people to say hateful things. This is not an effort to prevent people from engaging in racist or homophobic or sexist insults. I regard that to be a very unpleasant but fully constitutionally protected practice, and there have been mistaken assertions in this.

There was in fact a case in Philadelphia which lent itself to the interpretation that unpleasant speech was being prosecuted. That case was thrown out of court, and it was wrong. Nothing in this law in any way, this amendment that the gentleman from Michigan, who happens to be one of the greatest defenders of freedom of expression in the history of Congress, nothing in this amendment impinges in any way on anybody's right to say or write anything they want.

What it says is that if you commit an act which is otherwise a crime, because the predicate for this is that you have to commit a physical act which would be a crime against a person or property, but generally against a person, that it becomes an aggravating factor if it is demonstrated to be motivated, and the courts have made it clear that you have to demonstrate this is an element of the crime in some way, you must demonstrate that it was motivated by prejudice.

Now the argument is, well, why is one kind of crime worse than any other? Well, in fact, of course, our laws, State and Federal, are replete with examples where the exact same act is treated more harshly depending on the motivation. We have laws that particularly single out crimes against the elderly. We have laws that say if you desecrate one kind of property it is worse than if you desecrate another.

Here is the rationale for this. If an individual is assaulted and the individual chosen for the assault was chosen randomly, that is a very serious problem for that individual, and the crime ought to be punished and the individual protected. But where individuals are singled out for assault because of their race, because of their sexual orientation, be-

cause of their gender or identity, and transgendered people are among those who have been most recently viciously and violently attacked, it is not simply the victim of the violent assault who is assaulted. Other people in that vicinity, in that area, who share those characteristics, are also put in fear. And it is legitimate for us to say that when you have individuals being singled out because of a certain characteristic, this becomes a crime that transcends the assault against the individual. It does not mean we do not protect the individual. It means that we go beyond that.

Now there are people who say, look, if you hit anybody, it is exactly the same thing. I doubt their sincerity, Mr. Chairman. Because, as I understand it, under Federal law, if one of us were to be walking out in the street with a private citizen and we were both assaulted, the individual assaulting us has committed a greater crime than the individual assaulting a private citizen. That is, we have one category of hate crimes in that it is a more serious crime to assault a Member of Congress.

Now, by the way, it is obviously not in any way constitutionally inappropriate to denounce Members of Congress. We all know that. So anyone who thinks that when you have enhanced a sentencing by singling out an individual you have immunized him or her from criticism, just look at us. I do not know anybody who is proposing that we get rid of that.

So here is what we are dealing with. We are dealing with a law which in no way impinges on anyone's freedom of expression and says that when individuals are physically harmed in part because of who they are that others who share that characteristic are also put in fear, and that is a way to try to diminish that form of activity.

I should add, too, that we have recently seen more of an outbreak of this sort of violence against people who are transgendered, and it is important for us to come to people's aid . . .

A PROCLAMATION HONORING THE 90TH BIRTHDAY OF THE AMERICAN RED CROSS IN HOLMES COUNTY, OHIO

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. SPACE. Madam Speaker:

Whereas, the Holmes County Red Cross celebrates its 90th birthday with great joy; and Whereas, the Holmes County Red Cross provides vital services to the residents of Holmes County; and

Whereas, services such as Health and Safety, Disaster Services, Armed Forces Emergency Services, and Blood Services are provided; and

Whereas, these services provide communication, training and education; be it

Resolved, That along with the residents of the 18th Congressional District, I congratulate you on your 90th Birthday. With great appreciation and respect, we recognize the tremendous impact the Holmes County Red Cross has had in the community and in the lives of those people you have touched.